

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

In re Applications of	)	MM Docket No. 97-76
	)	
POSITIVE ALTERNATIVE RADIO, INC.	)	File No. BPED-920327MH
	)	
For Construction Permit for a New	)	
Noncommercial Educational FM Station	)	
on 88.1 MHz (Channel 201A) at	)	
Point Pleasant, West Virginia	)	
	)	
and	)	
	)	
THE UNIVERSITY OF WEST VIRGINIA	)	File No. BPED-921023MB
BOARD OF TRUSTEES	)	
	)	
For Modification of Facilities of Station	)	
WMUL-FM at Huntington, West Virginia	)	
To: Honorable Arthur I. Steinberg		
Administrative Law Judge		

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APR 11 1997

Federal Communications Commission  
 Office of Secretary

**PROOF OF PUBLICATION**  
**OF**  
**POSITIVE ALTERNATIVE RADIO, INC.**

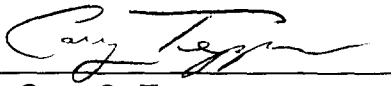
Positive Alternative Radio, Inc. ("PAR"), by Counsel, and pursuant to Section 73.3594(g) of the Commission's Rules, as well as Paragraph Number 9 of the *Hearing Designation Order, DA 97-377 (released February 24, 1997)*, hereby submits its "Proof of Publication." Attached hereto please find an "Affidavit of Publication" dated March 28, 1997 from The Register, a daily newspaper of general circulation in Mason County, West Virginia. The

*DFC*

community of Point Pleasant, West Virginia is within Mason County.

Respectfully submitted,

**POSITIVE ALTERNATIVE RADIO, INC.**

By:   
Cary S. Tepper  
Christopher D. Imlay

Its Counsel

**Booth, Freret, Imlay & Tepper, P.C.**  
1233 20th Street, N.W.  
Suite 204  
Washington, D.C. 20036  
(202) 296-9100

April 11, 1997

**Affidavit of Publication**

STATE OF WEST VIRGINIA,

MASON COUNTY, To-wit:

Personally appeared before the undersigned authority in and for the said county of Mason, this 28th day twenty-eighth of March 1997, Christy Williams, who being be me first duly sworn, did depose and say that she is employee of The Register, a daily newspaper of general circulation, printed, published and circulated in said County; that the

Public Notice

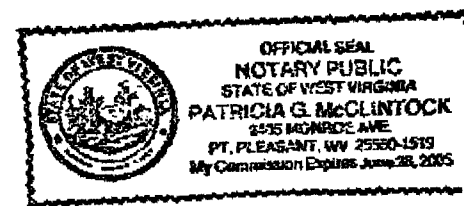
hereto annexed, was published in said newspaper for (4) four consecutive weeks, the first publication thereof having been made as aforesaid in the issue of the 19th day of March 1997 and the last issue of the 28th day of March 1997.

*Christy Williams*

Taken, subscribed and sworn to before me in my said County, this 28th day of March 1997.

*Patricia G. McClintock*  
Notary Public.

My commission expires June 28, 2005.

Publication fee, \$79.83

**PUBLIC NOTICE**

Notice is hereby given that on February 24, 1996 the Federal Communications Commission ("FCC") released an Order designating for hearing the mutually exclusive applications of Positive Alternative Radio, Inc. for a construction permit for a new noncommercial FM station on Channel 201A in Point Pleasant, West Virginia, and The University of West Virginia Board of Trustees for modification of facilities of Radio Station WMUL-FM in Huntington, West Virginia.

The hearing, presently scheduled to begin on August 12, 1997, will be held at the offices of the FCC in Washington, D.C. commencing at 10:00 a.m. on the following specified issues:

1. To determine: (a) the number of other reserved channel noncommercial education FM services available in the proposed service area of each applicant, and the area and population served thereby; (b) whether a share-time arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest and, to the extent and conditions thereof; and (c) in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

2. To determine, in light of the evidence adduced pursuant to the specified is-

ues, which of the applications should be granted, if either.

A copy of the application of Positive Alternative Radio, Inc. is available for public inspection during regular business hours at the following location: 303 8th Street, Point Pleasant, West Virginia 25559.

3/18, 21, 26, 29-4

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 11th day of April, 1997, I have served a copy of the foregoing "**Proof of Publication**" first-class, postage-prepaid, on the following:

\*Hon. Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 228  
Washington, D.C. 20554

\*Sonia Greenaway, Esq.  
James Shook, Esq.  
Hearing Branch, Enforcement Division  
Mass Media Bureau  
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(Counsel to The University of  
West Virginia)

  
Cary S. Tepper, Esq.

\*denotes Delivery By Hand